

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|-------------------------------|---|--------------------------|
| WIN DOZIER, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | NOTICE OF REMOVAL |
| |) | |
| SHERRI ALLGOOD |) | |
| TONYA YVETTE TROUBLEFIELD and |) | |
| YVETTE DAYE TROUBLEFIELD |) | |
| Defendants. |) | |

NOTICE OF REMOVAL

Defendants by and through undersigned counsel, and hereby file this Notice of Removal of the above described action to the United States District Court for the Middle District of North Carolina, from the General Court of Justice, Superior Court Division, Montgomery County, North Carolina, where the action is now pending, as provided by Title 28, United States Code, Chapter 89 and state as follows:

1. The above entitled action was commenced on January 28, 2021 in the General Court of Justice, Superior Court Division, Montgomery County, State of North Carolina against Defendants Sherri Allgood and Tonya Troublefield.

2. On August 23, 2021, Plaintiff filed a motion to amend his complaint with amended pleading attached, naming Defendant Yvette Troublefield as a party.

3. The documents attached hereto as Exhibit A represent all process, pleadings, and orders served upon Defendants Sherri Allgood and Tonya Troublefield in this case.

4. Montgomery County Tourism Development Authority (hereinafter MCTDA) as referenced on Page nine and described in Plaintiff's second Exhibit A in his Amended Complaint, is an entity of Montgomery County, under the authority and control of the Montgomery County Board of Commissioners, Montgomery County's general governing body.

5. Plaintiff Win Dozier is the Chairman of the MCTDA Board as shown EXHIBIT B attached hereto.

6. As chairman of the MCTDA Board, Plaintiff is an actor of Montgomery County.

7. Plaintiff, acting under the authority of the Montgomery County local government, pleads, among other things, for the court to enter a prior restraint and order Defendants to cease making any verbal or written statements regarding Plaintiff and actions at the Montgomery County Welcome Center, an government-funded entity.

8. In Plaintiff's signed certificate, the MCTDA's audit was delayed as of March 16, 2021 as exhibited in attached EXHIBIT C. To enjoin Defendants from public participation and act as a content-based speech restriction not narrowly

tailored to advance any compelling governmental interest is a prior restraint on speech and is unconstitutional Bantam Books, Inc.v.Sullivan, 372 U.S. 58 (1963).

9. Removal of a civil action commenced in State court is appropriate when the federal district court has “original jurisdiction founded on a claim or right arising under the Constitution, treaties, or laws of the United States.” See 28 U.S.C. § 1441(b).

10. The amended pleading now indicates that this case arises under the U.S. Constitution and the laws of the United States and presents a federal question within the Court’s jurisdiction under Article III of the Constitution and 28 U.S.C. §§ 1331 and § 1441(b).

11. Defendants ask this court to exercise supplemental jurisdiction over any remaining state law claims under 28 U.S. Code § 1367.

11. Further, as mayor of Troy, Defendant Sherri Allgood maintains the federal defense of sovereign immunity.

12. Venue is proper in this district under 28 U.S.C. § 1391(b).

13. Defendants Sherri Allgood and Tonya Troublefield join Yvette Troublefield in and consent to removal. Thus, this Notice of Removal is timely pursuant to 28 § U.S.C. 1446(b).

14. Upon filing of this Notice, the Defendant will properly give written notice to all parties and will file a copy of such note with the Clerk of the Court of Superior Court of Montgomery County, North Carolina.

WHEREFORE, Defendants hereby request that this action proceed in this Court as an action properly removed to it.

This the 20th day of August. 2021.

Respectfully Submitted,

BY: /s/ Brooke M. Crump

Brooke M. Crump

Attorney for Defendants

LAKE TILLERY L

NC State Bar # 52684

PO Box 396

Mount Gilead, NC 27306

Tel: (910) 439-3070

Fax: (910) 889-8229

brooke@laketillerylaw.com

STATE OF NORTH CAROLINA
COUNTY OF MONTGOMERY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 41

WIN DOZIER,)
Plaintiff,)
)
v.)
)
SHERRI ALLGOOD)
TONYA YVETTE TROUBLEFIELD)
Defendants.)

CERTIFICATE OF SERVICE

I, Brooke Crump, do hereby certify that on the 20 day of August, 2021, I served a copy of the foregoing Notice of Removal upon Counsel for Plaintiff as follows:

☐ Email

☐ By Fax at: (910) 235-0233

☐ Personal-Delivery

☒ By deposit in the U.S. Mail addressed as follows and with the correct first-class postage affixed thereto:

Vancamp, Meacham & Newman, PLLC
Thomas M. Vancamp
PO Box 1389
Pinehurst, NC 28370

This the 20th day of August, 2021

LAKE TILLERY LAW

s/Brooke M. Crump
Brooke M. Crump
Counsel for Defendants
NC State Bar No. 52684
PO Box 396
Mount Gilead, NC 27306
Telephone: 336.964.9625
Facsimile: 910.889.8229